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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,969	12/30/2003	Angel Stoyanov	25340	8812

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WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
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EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,969

Applicant(s)

STOYANOV ET AL.

Examiner

Melanie J. Hand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/7/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7,9,11-13 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed June 7, 2006, with respect to the rejection(s) of claim(s) 1-6 and 8-10 under 35 U.S.C. 102/103 and claims 15-17 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the prior art of Lagerstedt-Eidrup and a newly found prior art reference.

Election/Restrictions

Applicant's elections of citric acid, sorbitol and diaper, claims 1-6, 8-10, and 14-17 in the reply filed on September 7, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7, 11-13 and 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 7, 2006.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 9, 10 and 14-17 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lagerstedt-Eidrup et al (U.S. Patent Application Publication No. 2003/0208173).

With respect to **claim 1**: Lagerstedt-Eidrup teaches an absorbent product 1 comprising cellulosic fibers reacted with an effective amount of a crosslinking agent in the presence of an effective amount of a C4-C12 polyol. The individualized intrafiber crosslinked cellulosic fibers taught by Lagerstedt-Eidrup are inherently characterized by a Whiteness Index, (WI.sub.CDM-L), greater than about 69.0, as the fibers are cellulosic fibers, as are those of the claimed invention. The burden is herein upon the applicant to show that the fibers taught by Lagerstedt-Eidrup do not inherently possess a whiteness index of greater than 69% (¶¶0019,0048)

With respect to **claim 2**: The individualized intrafiber crosslinked cellulosic fibers taught by Lagerstedt-Eidrup inherently have an L value greater than about 94.5, owing to the inherent whiteness index of greater than 69%=L-3b, wherein b can be equal to at least 8.5 owing to the yellow-based natural color of cellulosic fiber.

With respect to **claim 3**: The intrafiber crosslinked cellulosic fibers do not contain red or green color, thus the "a" value of the fibers is equal to zero, which is greater than about -1.55 and less than about -0.60.

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With respect to **claim 4**: The intrafiber crosslinked cellulosic fibers inherently have a whiteness index greater than 69% and can have a "b" value associated with said whiteness index that is less than about 8.5.

With respect to **claims 9,10**: The polyol taught by Lagerstedt-Eidrup is an acyclic polyol, namely sorbitol. (¶0055)

With respect to **claim 14**: Lagerstedt-Eidrup teaches intrafiber crosslinked cellulosic fiber, therefore the fibers taught by Lagerstedt-Eidrup are comprised of cellulosic fiber that inherently has a brightness greater than about 79.0% ISO brightness.

With respect to **claim 15**: Lagerstedt-Eidrup teaches that core 4 comprises fluff pulp fibers. (¶0022)

With respect to **claim 16**: Core 4 further comprises superabsorbent material. (¶0089)

With respect to **claim 17**: Product 1 is an infant diaper. (Fig. 1) (¶0018)

Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagerstedt-Eidrup et al ('173) in view of Ko (KR .2003047014 (Abstract))

With respect to **claims 5,6,8**: Lagerstedt-Eidrup teaches a crosslinking agent but does not explicitly teach an alpha-hydroxy polycarboxylic acid. Ko teaches a method of pressing cellulosic fiber batts comprising treating the fibers with a polycarboxylic crosslinking agent, namely citric acid, which is an alpha hydroxyl polycarboxylic acid. Ko teaches that this method

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using said solution with said crosslinking agent provides a more compact cellulosic product (see Abstract), therefore it would be obvious to one of ordinary skill in the art to modify the device of Lagerstedt-Eidrup by employing citric acid as the crosslinking agent to produce a more compact article as taught by Ko.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Monday-Thursday 8:00-5:30, alt. Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISOR/PRIMARY EXAMINER

